

IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets, which include Figs. 1 and 2, replace the original sheet including Figs. 1 and 2.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-24 are pending in the present application, Claims 1-8 and 10 having been amended, and Claims 11-24 having been added. Applicants respectfully submit that support for the amendments to Claims 1-8 and 10, and new Claims 11-24, is self-evident from the originally filed specification. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, the title was objected to; Figs. 1 and 2 were objected to; Claims 2, 6, and 7 were rejected under 35 U.S.C. §102(b) as anticipated by Bunte et al. (U.S. Patent No. 6,330,975, hereinafter Bunte); Claims 1, 9, and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Bunte; and Claims 3-5 and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over Bunte in view of Ehrhart (U.S. Patent Publication No. 2002/0171745).

With respect to the objection to the title, a new title is provided. Applicants respectfully request that the objection to the title be withdrawn.

With respect to the objection to Figs. 1 and 2, Figs. 1 and 2 are amended to include a label for each of the boxes without adding new matter. Applicants respectfully request that the objection to Figs. 1 and 2 be withdrawn.

With respect to the rejection of Claim 1 as unpatentable over Bunte, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

...the image inputting device including a shutter release button  
having two positions for a first release and a second release;  
[and]

a recognizing device configured to automatically  
recognize a printed code included in said processed image and  
output a result of the recognition of the printed code in  
response to the first release, and configured to determine the

image captured by the image inputting device and record the determined image and the printed code recognized by the first release in response to the second release....

Since the printed code is automatically recognized and a result of the recognition thereof is carried out in the first release, the claimed invention therefore has an exemplary advantageous effect in that the automatic recognition of the printed code is possible with easy and simple manipulation, and determination or recording of the recognized printed code is ensured without causing an error in the recognition of the printed code.

Bunte describes a digital camera that automatically recognizes a code included in an image. An embodiment of the digital camera of Bunte is shown in Figs. 7a and 7b, and is discussed at col. 14 line 50 to col. 17 line 3. The system 700 is shown capturing one dimensional coded targets located on cans 702. After capture, coded image detection circuitry detects coded targets within captured images and outlines 704 on the display 114. The system 700 prompts the user to select a coded target for decoding from those displayed.

However, Bunte does not disclose or suggest that the printed code is recognized and a result of the recognition of the printed code is outputted in response to the first release, and the image captured by the image inputting device is determined, and the determined image and the printed code recognized by the first release are recorded in response to the second release. Bunte does not disclose or suggest anything about the claimed first and second releases.

Bunte only describes that the coded image is captured, and that the captured image or a result of capture of the coded image is displayed on a screen "at the depression of a capture button."<sup>1</sup>

Furthermore, the use of official notice does not cure the above-noted deficiencies in Bunte. The outstanding Office Action does not explain or offer any evidence as to why it is

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<sup>1</sup> Bunte, col. 16, lines 11 to 29, for example.

obvious to us the claimed “first release” and “second release” in “a recognizing device configured to automatically recognize a printed code included in said processed image and output a result of the recognition of the printed code in response to the first release, and configured to determine the image captured by the image inputting device and record the determined image and the printed code recognized by the first release in response to the second release.”

Furthermore, Applicants respectfully traverse the use of official notice. The Examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). As set forth in M.P.E.P. § 2144.03, if an applicant traverses an assertion made by an Examiner while taking official notice, the Examiner should cite a reference in support of their assertion.

In addition, Applicants respectfully traverse those grounds for rejection relying of Official Notice. Applicants do not consider the features for which Official Notice were taken to be “of such notorious character that official notice can be taken.” Therefore Applicants traverse this assertion. “The examiner should cite a reference in support of his or her position.”<sup>2</sup> Therefore, it is respectfully requested that evidence of the above-noted elements of Claim 1 be made of record, that evidence of the motivation to modify the device of Bunte also be made of record, or that the 35 U.S.C. § 103(a) rejection be withdrawn.

Therefore, since Bunte and Official Notice do not teach or suggest the amended features of Claim 1, in particular “...in response to the first and the second releases...,” and amended Claim 1 possesses the above-noted advantageous effect which cannot be accomplished by the proposed modification to Bunte, Applicants respectfully submit that the invention defined by Claim 1 is not obvious to a person of ordinary skill in the art.

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<sup>2</sup>MPEP 2144.03, page 2100-129, left column, second full paragraph of MPEP 2144.03.

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and any claims dependent thereon) patentably distinguish over Bunte.

With respect to the rejection of Claim 2 as anticipated by Bunte, Applicants respectfully submit that the amendment to Claim 2 overcomes this ground of rejection.

Amended Claim 2 recites, *inter alia*,

a guide displaying device configured to display a guide  
for recognizing a printed code; [and]

a recognizing device configured to automatically  
recognize the printed code included in said processed image by  
matching the printed code with the guide....

The claimed invention has at least one exemplary advantageous effect in that the error in the recognition of the printed code is further avoided because a suitable guide for recognition of the printed code is displayed in order to allow a user to follow instructions in the guide so as to realize the appropriate recognition.

Bunte describes in col. 14 line 63 to col. 15 line 11, and col. 15 lines 22 to 37, that an outline 704 or the guide, which surrounds the recognized coded target 705 to indicate the recognized coded target 705, is displayed “after capture.”<sup>3</sup> In contrast, the invention defined by Claim 2 displays the guide for realizing the appropriate recognition of the printed code before capture, in order to guide the user to follow the instructions in the guide so as to establish the appropriate recognition.

Accordingly, the claimed features, in particular the guide displaying device, of Claim 2 differ from Bunte. Thus, Bunte cannot anticipate claim 2.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 2 (and any claims dependent thereon) patentably distinguish over Bunte.

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<sup>3</sup> Bunte, col. 14, lines 63 to 66, in particular.

With respect to the rejection of Claims 3 and 4 as unpatentable over the combination of Bunte and Ehrhart, Applicants respectfully submit that the amendments to Claims 3 and 4 overcome this ground of rejection. Amended claim 3 recites, *inter alia*,

a guide displaying device configured to display a guide for recognizing the printed code in accordance with a content on the kind of the printed code to be automatically recognized set by said code setting device;

a resolution setting device configured to set a resolution of said image captured by the image inputting device; [and]

a recognizing device configured to automatically recognize the printed code included in the image according to the guide corresponding to the content set by the code setting device and to the resolution of the image set by the resolution setting device....

Accordingly, since the guide corresponding to the kind of the code and the resolution of the image to be scanned are set, the invention defined by Claim 3 possesses at least one exemplary advantageous effect in that the error in the recognition can be further reduced.

Amended Claim 4 recites, *inter alia*,

a changing device configured to change photographing modes automatically according to said guide displayed by said guide displaying device; [and]

a guide displaying device configured to display a guide for recognizing the printed code in accordance with a content on the kind of the printed code to be automatically recognized set by said code setting device....

The invention according to Claim 4 possesses at least one exemplary advantageous effect in that the code recognition is possible with reduced error in the recognition by automatic changing-over of the setting of photographing.

As discussed above, Bunte does not disclose or suggest the guide displaying device according to each of Claims 3 and 4. Ehrhart also does not disclose or suggest the guide displaying device of Claims 3 and 4. Thus, cited references cannot be properly combined to

describe the claimed “a recognizing device configured to automatically recognize the printed code included in the image according to the guide corresponding to the content set by the code setting device and to the resolution of the image set by the resolution setting device” of Claim 3, and they cannot be properly combined to describe the claimed “a changing device configured to change photographing modes automatically according to the guide displayed by the guide displaying device” of Claim 4. Accordingly, the above advantageous effects cannot be expected from the combination of Bunte and Ehrhart.

In view of the above-noted distinctions, Applicants respectfully submit that Claims 3 and 4 patentably distinguish over Bunte and Ehrhart, taken alone or in proper combination.

With respect to the rejection of Claim 8 as unpatentable over the combination Bunte and Ehrhart, Applicants respectfully submit that the amendment to Claim 8 overcomes this ground of rejection. Amended Claim 8 recites, *inter alia*,

an information searching device configured to define an information file in which information corresponding to said printed code is included therein to at least one of an external recording medium attached to the digital camera apparatus and an internal memory beforehand, and configured to search said information corresponding to said printed code when said printed code is recognized.

The invention according to Claim 8 searches information corresponding to a recognized printed code from an information file previously defined in an external memory, an internal memory or the like, at the time of the recognition of the printed code, and associates the searched information corresponding to the recognized printed code with the photographed image which includes the printed code. Therefore, the invention according to Claim 8 has at least one exemplary advantageous effect in that the printed code is automatically converted into corresponding information that is easily understandable to be recorded.

Bunte does not teach or suggest a searching feature.

The outstanding Office Action relies on Ehrhart to disclose the above-noted searching feature. Applicants respectfully submit that Ehrhart does not cure the deficiency in Bunte.

As described in paragraph [0082] of Ehrhart, a user at a remote location B reads a printed code of a package transported from a location A to the remote location B, and the user of the remote location B then accesses a remote processor assembly 88-1, in which images are stored, so as to search and acquire an image of the package associated with the printed code read by the user at the remote location B. Thereby, the user at the remote location B can determine whether the package was damaged during transport from the location A to the location B. Accordingly, the searching of the image by the associated printed code according to Ehrhart is performed “after” the point of time in which the recognition of the printed code has been completed and the association of the printed code and the image has been completed.

On the contrary, according to the invention defined by Claim 8, the searching operation of the information is performed at the time point when the printed code is recognized and before the printed code and the photographed image are associated. Accordingly, the searching feature of Ehrhart differs from the searching feature of Claim 8.

In addition, the invention defined by Claim 8 further differs from Ehrhart, in that the information file is stored in a body of the digital camera apparatus such as an internal memory or an external recording medium attachable to the digital camera apparatus. In Ehrhart, the image file is stored in the “remote” processor assembly 88-1.

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 8 patentably distinguishes over Bunte and Ehrhart, taken alone or in proper combination.

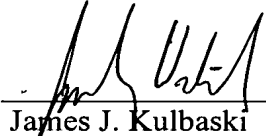


Furthermore, Applicants respectfully submit that new Claims 11-24 patentably distinguish over Bunte and Ehrhart, taken alone or in proper combination, for at least the reasons stated above.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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